

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CITIFINANCIAL, INC.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 3:07cv055-WHA
)	
BROOKA F. STOKES,)	
)	
Defendant.)	

ORDER

This case is before the court on several matters.

Although no Motion to Remand has been filed, in his Answer the Defendant has denied that the jurisdictional amount exists. Therefore, the court finds it necessary to make a determination as to whether it has jurisdiction on the basis of diversity of citizenship before going further. If the Defendant wishes to stipulate by affidavit that it was not his intention to seek more than \$75,000 when suit was filed, that he will neither seek nor accept more than \$75,000 in the state court litigation, and that such representation is binding on his heirs and assigns, this case will be remanded to state court. If he does not wish to do so, the Plaintiff will need to carry its burden of proof to justify a ruling that the amount in controversy exceeds \$75,000. In that event, the court would consider the refusal of the Defendant to limit his damages in a binding way as part of the evidence on the issue. Therefore, it is hereby ORDERED as follows:

1. This case is set for hearing on Wednesday, April 18, 2007, at 2:00 p.m., in District Courtroom 2-C, Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, **MONTGOMERY**, Alabama, for the purpose of resolving the issue of jurisdiction.

2. Pending resolution of the issue of jurisdiction, all other matters in the case are STAYED, so that no response need be filed to the Plaintiff's Motion for Summary Judgment and no Report of Parties Planning Meeting need be filed.

3. If the jurisdictional issue should be resolved in favor of the Plaintiff, the court will discuss with counsel fully all factual matters which may have some bearing on the issue of discovery, as well as any other matters that may be relevant to the case.

DONE this 2nd day of April, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE